

UNITED STATES DISTRICT COURT  
for the  
Eastern District of Michigan

United States of America  
v.

Levontray Lemuel HORTON

Case: 2:22-mj-30362

Assigned To : Unassigned

Assign. Date : 08/25/2022

CMP: USA v HORTON (MAW)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 24, 2022 in the county of Wayne in the  
Eastern District of Michigan, the defendant(s) violated:

*Code Section*  
18 U.S.C. § 922(g)

*Offense Description*  
Felon in possession of a firearm

This criminal complaint is based on these facts:  
SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence  
and/or by reliable electronic means.

Date: August 25, 2022

City and state: Detroit, Michigan



*Complainant's signature*

Special Agent Rohit Joshi

*Printed name and title*



*Judge's signature*

Hon. Elizabeth Stafford, U.S. Magistrate Judge

*Printed name and title*

IN THE UNITED STATES DISTRICT COURT  
FOR EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

**AFFIDAVIT IN SUPPORT OF**  
**AN CRIMINAL COMPLAINT**

I, Special Agent Rohit Joshi, being first duly sworn, hereby state:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives. I have been a Special Agent since August of 2016. I graduated from the Special Agent Basic Training Program at the ATF National Academy and the Criminal Investigator Training Program at the Federal Law Enforcement Training Center. Prior to being with the ATF, I was a Wayne State University Police Officer in Detroit, Michigan for approximately ten years. I have conducted numerous investigations into violation of state and federal firearms laws.

2. I make this affidavit from personal knowledge based on my participation in this investigation, including interviews conducted by myself and/or other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, review of reports by myself and/or other law enforcement agents, and information gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts of which I am aware relating to this investigation.

3. ATF is currently conducting a criminal investigation concerning Levontray Lemuel HORTON (B/M; DOB: XX/XX/1991) for violations of 18 U.S.C. § 922(g)(1) (Felon in Possession of a Firearm).

**PROBABLE CAUSE**

4. I reviewed a computerized criminal history and Michigan 3<sup>rd</sup> Circuit Court records, Michigan 31<sup>st</sup> Circuit Court records, and Michigan 37<sup>th</sup> District Court records for HORTON, which revealed the following:

- a. On January 2, 2018, HORTON pleaded guilty in St. Clair County 31<sup>st</sup> Circuit Court to one count of larceny from a motor vehicle.  
  
HORTON failed to appear at his February 2018 sentencing hearing. HORTON was arrested on an outstanding warrant and sentenced in April 2018 to 9 months' incarceration in St. Clair County Jail, suspended upon payment of restitution and completion of the jail's drug and alcohol treatment program.
- b. On August 29, 2019, HORTON was charged in a felony information with attempt larceny from a motor vehicle. HORTON was charged as a Habitual Offender Second and the felony information advised him of his 2018 conviction for larceny from a motor vehicle. HORTON pleaded guilty to a reduced count of misdemeanor larceny in October 2019.

c. On June 17, 2022, HORTON was charged with felony resisting and obstructing police and misdemeanor domestic violence in Warren's 37<sup>th</sup> District Court. HORTON posted bond on June 27, 2022 and was released on a GPS tether. There is a preliminary examination set for August 30, 2022.

5. Based on the above conviction to which HORTON pleaded guilty in 2018 and being charged as a Habitual Offender Second in 2019 with notice of his 2018 felony conviction, there is probable cause to believe HORTON was aware of his status as a felon.

6. On August 24, 2022, at approximately 12:25 A.M., Detroit Police Department (DPD) officers on routine patrol were driving south on Alcoy Avenue near Linnhurst Street in Detroit, Michigan. The officers observed a group of people standing in an open lot on Alcoy Street. As they got closer to the group, one of the individuals pointed out the officers to a black male wearing a white t-shirt and black pants—later identified as Levontray HORTON —standing in front of a white BMW.

7. The officer in the driver's seat stopped the scout car and the officer in the passenger seat got out, keeping an eye on HORTON. The officer saw HORTON step away, turn away from the officers, reach into his pants, appear to remove an object from the front of his pants, and made a tossing motion with his

hand. As HORTON completed the tossing motion, the officer heard a “thud,” consistent with the sound of a heavy object hitting the white BMW before hitting the ground. The officer signaled to his partner to watch HORTON and immediately walked to the front of the white BMW and recovered a black Glock 19 9mm handgun from the ground, near the vehicle’s front bumper. Officers then placed HORTON under arrest.

8. On August 24, 2022, ATF Special Agent Shannon Richardson provided verbal confirmation the Glock 19 9mm handgun was not manufactured in the State of Michigan and, therefore, has traveled in or affected interstate or foreign commerce.

### **CONCLUSION**

9. Based upon the aforementioned facts stated herein, there is probable cause to believe Levontray Lemuel HORTON (B/M; DOB: XX/XX/1991), a convicted felon aware of his felony convictions, did knowingly and intentionally possess a Glock firearm, said firearm having affected interstate commerce, in violation of 18 U.S.C. 922(g)(1) (Felon in Possession of a Firearm). Said violation occurring on or about August 24, 2022, in the city of Detroit, in the County of Wayne, in the Eastern Judicial District of Michigan.

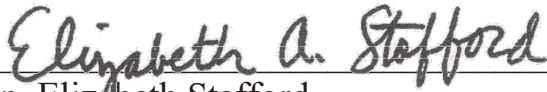
**Respectfully submitted,**



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**Rohit Joshi**  
**Special Agent, ATF**

Sworn to before me and signed in my presence  
and/or by reliable electronic means.



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Hon. Elizabeth Stafford  
United States Magistrate Judge

Dated: August 25, 2022